

SCDDSN Quality Management Incident Management

DDSN recognizes that providers are the vital link in the continuing flow of information regarding Critical Incidents and Abuse, Neglect and Exploitation reporting. As part of our ongoing assessment and review process, we want to make the reporting process as complete, accurate, and efficient as possible. With that in mind, we offer some “REMINDERS” to assist your staff and offer support in several important areas.

SOME IMPORTANT REMINDERS:

1. Serious consumer injuries of unknown or unexplainable origin must be reported to the appropriate state investigative agency according to the procedures outlined in 534-02-DD. A serious injury of known cause (e.g., auto accident or fall) must be reported as a critical incident unless abuse is alleged in which case the report must be made to the appropriate state agency.
2. Failure to provide proper supervision may be a form of neglect if the employee fails to intervene in a situation or provide proper supervision when they clearly have a duty to do so.
3. Providers are required to have a safety plan in place whenever there is an allegation of abuse, neglect or exploitation. Please remember: 534-02-DD states the alleged perpetrator **must be placed on administrative leave without pay** pending the outcome of the investigation.
4. If you have reported an incident to SLED and SLED did not investigate or vet to Local Law Enforcement (e.g., they vetted to the Ombudsman's Office), and your own internal review indicates no violation of policy, you may return staff to active employment. You *DO NOT* need to submit a Request for Reinstatement of the employee(s). If your internal review indicates a violation of policy, follow your respective Agency and Personnel policies regarding issues of policy/procedure violations and disciplinary action. Once completed, you may return the employee to active employment.
5. Only SLED, Local Law Enforcement or the Attorney General's Office can make a determination of “founded” or “unfounded” on ANE Reports and Incidents. The Exception would be if a case was initially referred only to DSS, as in cases of Day Program reporting, then DSS *CAN* determine whether the allegation is founded or unfounded. The Ombudsman's Office *CANNOT* make a determination of founded or unfounded criminal level abuse, neglect or exploitation. They may make a determination of non-criminal abuse, but this will not be counted as abuse according to the Omnibus Adult Protection Act.
6. When reinstatement requests are required, DDSN wants to honor a 24 hour turn-around time. Initial and Final reports are reviewed and routed to another location for data entry, so staff reviewing your reinstatement requests may not have immediate access to reports you have previously submitted. *To help us help you* attach all relevant documents to your reinstatement request. Reinstatement requests should not be submitted until we have written reports from

SLED or Local Law Enforcement indicating the final case status. The Addendum to Reinstatement Request must be submitted to us within 24 hours of approval of the Reinstatement.

7. Submission of Addendum forms for Critical and ANE reports should reflect additional information subsequent to the Final Reports, verification of dates employees were reinstated and any change in disposition of administration/management review due to results of SLED or Local Law Enforcement investigations.
8. Please use only the approved forms or form revisions when submitting reports. The most current Agency Directives and Attachments went into effect October 1, 2007. Please check the DDSN extranet for the most recent forms.
9. If SLED accepts a report "For Information Only", the ANE reporting process must be followed and Initial and Final ANE reports must be submitted to DDSN. Once SLED assigns an Intake Number, DDSN must follow this case to conclusion through required ANE reporting. If SLED vets a case of alleged ANE to the Ombudsman's Office, you must still complete the required ANE reports and send to us, including the management review.
10. Calculation of reporting due dates is covered in the attachment of Frequently Asked Questions.
11. Consistent with current DDSN directive 100-09-DD and 534-02-DD, reporting documents should be faxed to us. *DO NOT* email reports to us due to the confidentiality of the consumer information contained in reports. We are currently working on a web-based application for future reporting.
12. Multiple faxes of the same report are not necessary and may cause confusion. You do not need to fax us a document and also mail us your original. Staff may contact you to request a re-fax of a report if we find a document you faxed did not reach us for some reason. There may also be times when staff identify omissions or errors in reports and may request that you fax us corrected reports.
13. **Our new fax number for submitting Critical, ANE and Death Reports is 803-898-7450.**

We understand the large volume of paperwork you and your staff must handle each day. These reminders are offered to strengthen the reporting process as we work together. Future web-based applications will streamline the reporting process, but until that process is complete, we will continue to follow current procedures. If you have ideas to improve the process, please share these with us at any time. You may reach Sam Davis at 803-898-9758 or Carol Neese at 803-898-9163.

Abuse, Neglect and Critical Incident Reporting

Frequently Asked Questions

1. If SLED elects not to investigate a case (ICF/MR, non-ICF/MR and/ or day programs) and accepts the report "For information only", does the provider have to conduct a review?

Yes. SLED assigns an intake number for "Information only" cases and the information is entered into their database. As a result, we must have administrative closure to the case, and ANE reporting process must be followed. We need to know what prompted the call to SLED and what actions, if any, may have resulted. SLED will send DDSN a Case Status Report.

2. If an allegation occurs at home or in the community, do we report to DDSN?

If the person is served in an ICF/MR and is on a home visit, you must report to SLED and to DDSN. If the person is served in a non-ICF/MR setting, a licensed DDSN residence, or in a day program, the report must be made to DSS and documented in your agency files.

3. When is a case considered "Closed?"

If SLED investigates for criminal intent, the case is "Closed" when SLED sends their Case Status Report to DDSN. Cases vetted to the Ombudsman and DSS are "Closed" when the respective agencies render a finding. Employees are permitted to go back to work prior to case closure under certain circumstances as outlined in Attachments J & K of 534-02-DD.

4. If an allegation is made in the community and staff is involved but not on duty, should staff be placed on leave?

The staff must be placed on administrative leave without pay to protect the consumer from harm. The appropriate review must be completed.

5. If a local law enforcement case is not founded, is the staff person allowed to return to work?

If LLE has made a final case status determination, a copy of the case status report from LLE or SLED MUST be included with the reinstatement request. DDSN must have written verification of case status from the LLE or SLED. The reinstatement request may be submitted with a valid justification only after a Management Review has been completed by the provider agency. If the reinstatement request is approved by DDSN, an Addendum to your report must be submitted within 24 hours.

6. If abuse is alleged in a CRCF, is this reported in the same manner as an allegation in an ICF/MR is reported?

No. CRCF reports follow the same process for CTH or SLP. Please refer to diagrams in Attachments J and K of 534-02-DD.

7. Which review process should be completed for an allegation in an ICF/MR?

An Administrative Review of Alleged Abuse, Neglect, or Exploitation--ICF/MR Facilities (Attachment C) should be completed.

8. If LLE or DSS Adult Protective Services investigate and the case is unsubstantiated, should a request for Reinstatement and the Addendum be completed?

Yes. You must also need to include your Management Review. Then a Reinstatement request may be submitted to DDSN.

9. An incident occurs in a workshop that is not under our jurisdiction. A call is made to SLED about the incident because it involves someone we support. Do we submit an Initial Critical Incident Report or an Initial ANE Report?

No. The workshop provider is responsible for submission of Initial and Final reports.

10. Is a "serious injury of unknown or unexplained origin" noted in 534-02-DD the same as serious injury defined in 100-09-DD?

Yes.

11. For serious injuries of unexplained or unknown origin that are reported to SLED, would the Administrative or the Management review be completed?

The type of report completed depends on the location of the occurrence. Please refer to Attachments J and K in 534-02-DD.

12. A person living in the community attends an adult day program. This consumer sustains a serious injury of unknown origin. Should the primary correspondent be notified and the injury documented?

Yes.

13. Should this serious injury be reported to DDS and local law enforcement?

Yes, all serious injuries must be reported regardless of where they occur.

14. Should Regional Centers continue to conduct peer reviews when a consumer death occurs?

Yes. Regional Centers should send all consumer death information to a medical contractor for a peer review. Dr. Graeme Johnson also reviews all deaths at the Regional Centers.

15. How are dates calculated for submission of Initial Critical/ANE and Final Critical/ANE Reports?

*The counting **STARTS** on the day the incident occurred or day of "discovery"/date incident was first reported. All Initial Reports must be **submitted via fax** to DDSN Quality Assurance within 24 hours of the occurrence/discovery excluding week-ends and holidays. DDSN observes all State and Federal Holidays. However, Facility or Board observed holidays may also be included in calculating Final report due dates. Any observed holiday by your Facility or Board during the respective reporting period must be noted on reports to avoid incorrect calculations.*

*All Final Critical and Final ANE Reports must be **submitted via fax** to DDSN Quality Assurance within 10 business days of incident date or date the incident was first reported/discovered. However, Final Critical and ANE reports for **incidents occurring in an ICF/MR must be submitted via fax within 5 days**, excluding week-ends and holidays.*

*If the information or investigation is not concluded by the Final Report due date, **submit the Final Report by the due date and then submit an Addendum when the investigation is complete or as new information becomes available.***